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C.C.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Mino Green
TITLE : A PROCESS FOR MAKING ISLAND
ARRAYS
APPLICATION NO. : 10/049,736
FILED : July 22, 2002
CONFIRMATION NO. : 4575
EXAMINER : DEO, DUY VU NGUYEN
ART UNIT : 4575
LAST OFFICE ACTION : July 12, 2005
ATTORNEY DOCKET NO. : KSTR 2 00002

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **July 12, 2005** finally rejecting claims 1-20. An After Final Amendment and Response to Examiner's Action is being filed herewith.

Applicant was notified by telephone by the Examiner that the claims of this application as stated in the second After Final Amendment would be allowed once claims 17 and 18 were cancelled. Cancellation of claims 17 and 18 was to have been done by Examiner's amendment. However, no Notice of Allowance has yet been received. Because the statutory sixth month period is expiring as of today, out of an abundance of caution, applicant hereby files its Notice of Appeal because the instant application cannot be located on the U.S. Patent and Trademark Office's IFW database to check on its status.

09/30/2005 DEHMANU1 00000004 10049736

01 FC:1401

500.00 DP

09/30/2005 DEHMANU1 00000004 10049736

570.00 DP

02 FC:1253

However, if the Notice of Allowance has now been mailed, applicant requests a refund of the charges for the instant Notice of Appeal as such appeal would then be moot.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

3. **EXTENSION OF TERM**

☒ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a third-month extension of time up to and including **September 26, 2005 (September 24, 2005 being a Saturday)** in which to file the accompanying Notice of Appeal. Applicant has already paid for a two month extension of time on August 24, 2005. Therefore, only a third month of extension of time fee is due at this point.

Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If any further charges are required, please charge such charges to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee:	<u>\$500.00</u>
Extension of Time Fee:	<u>\$570.00</u>

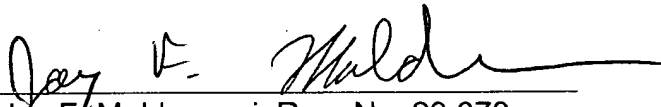
5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

September 26, 2005
Date


Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue, Seventh Floor
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216-861-5582

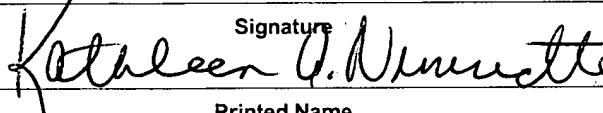
CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature 
Date September 26, 2005	Printed Name Kathleen A. Nimrichter